

**UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF NORTH CAROLINA  
DURHAM DIVISION**

In re:

**Frank Toledo and Victoria Ellen Toledo**

a/k/a Victoria E Toledo, Victoria Toledo

S.S. Nos.: xxx-xx-5532 and xxx-xx-2707

Mailing Address: 312 Patterson Street, Raeford, NC 28376-

**Case No. 11-80237**

Debtors.

**NOTICE TO CREDITORS AND PROPOSED PLAN**

The Debtors have filed for relief under Chapter 13 of the United States Bankruptcy Code on February 10, 2011.

The filing automatically stays collection and other actions against the Debtors, Debtors' property and certain co-debtors. If you attempt to collect a debt or take other action in violation of the bankruptcy stay, you may be penalized.

Official notice will be sent to creditors, which will provide the name and address of the Trustee, the date and time of the meeting of creditors, and the deadline for objecting to the plan. The official notice will include a proof of claim form.

A creditor must timely file a proof of claim with the Trustee in order to receive distributions under the plan. The Trustee will mail payments to the address provided on the proof of claim unless the creditor provides another address in writing for payments. If the claim is subsequently assigned or transferred, the Trustee will continue to remit payment to the original creditor until a formal notice of assignment or transfer is filed with the Court.

Attached is a copy of the Debtors' proposed Chapter 13 Plan consisting of 2 documents entitled: (1) Chapter 13 Plan and (2) Ch. 13 Plan - Debts Sheet (Middle). This is the same Plan that has already been filed with the Court.

Dated: February 24, 2011

**LAW OFFICES OF JOHN T. ORCUTT, P.C.**

/s John T. Orcutt

John T. Orcutt  
N.C. State Bar No. 10212  
Counsel for the Debtors  
6616-203 Six Forks Rd.  
Raleigh, N.C. 27615  
Tel. No. (919) 847-9750

circular.wpt (rev. 5/17/09)

CH. 13 PLAN - DEBTS SHEET (MIDDLE DISTRICT - DESARDI VERSION)				Date: 2/10/11			
				Lastname-SS#: Toledo-5532			
<b>RETAIN COLLATERAL &amp; PAY DIRECT OUTSIDE PLAN</b>							
Retain	Creditor Name	Sch D #	Description of Collateral				
	Bank of America Home Loans	1	House & Lot				
	Hoke County Taxes	3	House & Lot				
	Richmond Co. Taxes	4	House & Lot				
<b>SURRENDER COLLATERAL</b>							
	Creditor Name	Description of Collateral					
	None						
<b>ARRANGE CLAIMS</b>							
Retain	Creditor Name	Sch D #	Arrears Amount	(See f)			
	Bank of America Home Loans	1		**			
	Hoke County Taxes	3		**			
	Richmond Co. Taxes	4		**			
				**			
				**			
	GMAC Mortgage	2	\$3,579	**			
			**				
			**				
			**				
<b>REFLECTED EXISTING CONTRACTS/LEASES</b>							
	Creditor Name	Description of Collateral					
	None						
<b>UFD - DOT ON PRINCIPAL RESIDENCE &amp; OTHER LONG TERM DEBTS</b>							
Retain	Creditor Name	Sch D #	Monthly Contract Amount	Int. Rate	Adequate Protection	Minimum Equal Payment	Description of Collateral
	GMAC Mortgage	2	\$634	N/A	n/a	\$634.00	House & Lot
				N/A	n/a		
				N/A	n/a		
				N/A	n/a		
<b>STD - SECURED DEBTS @ FMV</b>							
Retain	Creditor Name	Sch D #	FMV	Int. Rate	Adequate Protection	Minimum Equal Payment	Description of Collateral
	None			5.00			
				5.00			
				5.00			
				5.00			
<b>STD - SECURED DEBTS @ 100%</b>							
Retain	Creditor Name	Sch D #	Payoff Amount	Int. Rate	Adequate Protection	Minimum Equal Payment	Description of Collateral
	None			5.00			
				5.00			
				5.00			
				5.00			
<b>ATTORNEY FEE (Unpaid part)</b>							
Law Offices of John T. Orcutt, P.C.			Amount				
			\$2,800				
<b>SECURED TAXES</b>							
IRS Tax Liens			Secured Amt				
Real Property Taxes on Retained Realty							
<b>UNSECURED PRIORITY DEBTS</b>							
IRS Taxes			Amount				
State Taxes			\$800				
Personal Property Taxes							
Alimony or Child Support Arrearage							
<b>CO-SIGN PROTECT (Pay 100%)</b>			Int. Rate	Payoff Amt			
All Co-Sign Protect Debts (See*)							
<b>GENERAL NON-PRIORITY UNSECURED</b>			Amount**				
DMI= \$210			\$7,560				
<b>PROPOSED CHAPTER 13 PLAN PAYMENT</b>							
\$ <b>\$1,121</b>		per month for		<b>60</b>		months, then	
\$ <b>N/A</b>		per month for		<b>N/A</b>		months.	
Adequate Protection Payment Period:				<b>5.15</b> months.			
Sch D # = The number of the secured debt as listed on Schedule D.							
Adequate Protection = Monthly 'Adequate Protection' payment amt.							
* = May include up to 2 post-petition payments.							
* Co-sign protect on all debts so designated on the filed schedules							
** = Greater of DMI x ACP or EAE				(Page 4 of 4)			
Ch13Plan_MD (DeSardi Version 1/12/10) © LOTTO							
<b>Other Miscellaneous Provisions</b>							
Plan to allow for 3 "waivers". Interest on EAE at fed. judgment rate							
Please pay out Equity above exemptions in the amount of \$16,222 toward unsecured priority claims, to include attorney fees and any allowed unsecured claims filed.							

## **CERTIFICATE OF SERVICE**

I, Kaelyn McCollum, the undersigned, certifies that a copy of the foregoing **NOTICE TO CREDITORS AND PROPOSED PLAN** was served by automatic electronic noticing upon the following Trustee:

Richard M. Hutson, II  
Chapter 13 Trustee

and was also served by first class U.S. mail, postage prepaid, to the following parties at their respective addresses:

**All the creditors set forth on the mailing matrix filing in this case.**

/s Kaelyn McCollum  
\_\_\_\_\_  
Kaelyn McCollum

North Carolina Department of Revenue  
c/o NC Department of Justice  
Post Office Box 629  
Raleigh, NC 27602-0629

US Attorney's Office (ED)\*\*  
310 New Bern Avenue  
Suite 800, Federal Building  
Raleigh, NC 27601-1461

Citi Cards  
Post Office Box 660370  
Dallas, TX 75266-0370

Employment Security Commission  
Attn: Benefit Payment Control  
Post Office Box 26504  
Raleigh, NC 27611-6504

Accounts Receivable Management, Inc  
Post Office Box 129  
Thorofare, NJ 08086-0129

Discover Card  
Post Office Box 30943  
Salt Lake City, UT 84130

Credit Bureau  
Post Office Box 26140  
Greensboro, NC 27402

Asset Acceptance, LLC  
2840 South Faulkenburg Road  
Riverview, FL 33569

GMAC Mortgage  
Attn: General/Managing Agent  
3451 Hammond Avenue  
Waterloo, IA 50702-5345

NC Child Support  
Centralized Collections  
Post Office Box 900006  
Raleigh, NC 27675-9006

Bank of America Home Loans  
Attn: General Managing Agent  
7105 Corporate Drive  
(PTX-B-36)  
Plano, TX 75024

Hoke County Tax Collector  
Post Office Box 217  
Raeford, NC 28376-0217

Equifax Information Systems LLC  
P.O. Box 740241  
Atlanta, GA 30374-0241

Barclays Bank  
c/o Card Services  
Post Office Box 8803  
Wilmington, DE 19899

HSBC/ROOMSTORE  
P.O. Box 5253  
Carol Stream, IL 60197-5253

Experian  
P.O. Box 2002  
Allen, TX 75013-2002

Beneficial  
Post Office Box 3425  
Buffalo, NY 14240-9733

Internal Revenue Service  
Post Office Box 21126  
Philadelphia, PA 19114-0326

Trans Union Corporation  
P.O. Box 2000  
Crum Lynne, PA 19022-2000

Cash Call  
Post Office Box 66007  
Anaheim, CA 92816

Military Star  
Disputes Unit  
Post Office Box 650410  
Dallas, TX 75265-0410

ChexSystems  
Attn: Consumer Relations  
7805 Hudson Road, Ste. 100  
Woodbury, MN 55125

Chase  
Cardmember Service  
Post Office Box 15298  
Wilmington, DE 19850-5298

North Carolina Department of Rev  
c/o Reginald S. Hinton  
Post Office Box 25000  
Raleigh, NC 27640-5000

Internal Revenue Service (ED)\*\*  
Post Office Box 7346  
Philadelphia, PA 19101-7346

Citi Card  
Post Office Box 6500  
Sioux Falls, SD 57117-6500

North Carolina Dept of Revenue  
Post Office Box 1168  
Raleigh, NC 27602-1168

Orchard Bank  
c/o HSBC Card Services  
Post Office Box 80084  
Salinas, CA 93912-0084

Wells Fargo Financial  
Post Office Box 5943  
Sioux Falls, SD 57117-5943

PDM Ankle Foot Surgical POD  
c/o Online Collections GRVL  
202 Firetower Road  
Winterville, NC 28590-8412

Resurgent  
625 Pilot Road  
Ste 2  
Las Vegas, NV 89119

Richmond County Tax Commissioner  
530 Greene Street  
Room 117 Municipal Building  
Augusta, GA 30901

Sears/CBSD  
133200 Smith Road  
Cleveland, OH 44130

The Law Offices of John T. Orcutt, P.C.  
6616-203 Six Forks Road  
Raleigh, NC 27615

US Attorney's Office (MD)\*\*  
Middle District  
Post Office Box 1858  
Greensboro, NC 27502-1858

Walmart  
c/o GE Money Bank  
Post Office Box 103104  
Roswell, GA 30076

Wells Fargo Card Services  
Post Office Box 30086  
Los Angeles, CA 90030